

PURPOSE

The purpose of this policy is to outline the policy that the Town will follow to determine which private ways will receive snow and ice removal measures during the winter plowing season.

POLICY

The policy of the Upton Department of Public Works and the Town of Upton is to set the minimum standards for private ways to be eligible for snow and ice removal, in accordance with Massachusetts General Law Chapter 40, Section 6C; adopted by voters of the Town of Upton on May 7, 2001. Minimum standards have been established that consider surface conditions, height clearances and roadside obstacles that are identified as obstructions to safe, cost-effective snow and ice removal operations. These issues inhibit emergency response for rescue operations and can cause considerable damage to snow plow equipment. In some cases, damaged town vehicles/equipment may need to be removed from the snow removal effort, causing delays in that process that may in turn cause delays in snow removal operations in other parts of town.

APPLICABILITY

This policy is applicable to all named private ways in the Town of Upton that have been designated by the Board of Selectmen. Unnamed ways or ways that are common driveways are not eligible for snow removal services.

IMPLEMENTATION PROCEDURE

1. This policy is in effect for private ways open to the public. Private ways restricted or closed to the public by signage or gates shall not be eligible for snow removal services from the Town in accordance with Mass. G. L. C40, §6C. Examples of signs posted on private ways closed to the public include "No Trespassing", "Private-Residents Only", or "Keep Out", etc. The only sign that is acceptable is a municipal street sign designating it as a private way.
2. All private ways established as the result of a special permit under the Planning Board's Subdivision Rules and Regulations or a Zoning Board of Appeals special permit or variance that places that responsibility with the homeowners, will not be eligible to receive snow removal services.
3. The minimum width for the travel surface of any private way shall be no less than twelve (12') feet wide and open to the public.
4. The height clearance shall be no less than fourteen (14') feet from the road surface. This is to ensure access to snow plows and emergency vehicles.
5. The roadside shoulder shall be free of any obstacles, on both side of the way, including vegetation, fences, mailboxes, stonewalls, basketball hoops, rocks, shrubs, trees or any other object that may interfere with snow removal equipment. This shoulder shall be

SNOW & ICE REMOVAL FROM PRIVATE WAYS POLICY

maintained no less than two (2') feet on both sides of the roadway. Mailboxes must be set in conformance with United States Post Office regulations. Stone roadways will not be plowed.

6. There must be ample room for emergency vehicles to turn around if the road is a dead end (cul de sac with a 90 foot turning radius) and sufficient space off the roadway to place plowed snow. Space at the end of the road should be of sufficient size for emergency vehicles or town plows to be able to turn around in a safe manner. This determination will be made by the Fire/EMS Chief in consultation with the Police Chief and Director of Public Works. If the Town determines a road does not meet these requirements, then snow removal services will only be provided if the Town is able to gain access to private property through a signed "right of entry agreement".
7. Paved or unpaved private roads shall have no defects (potholes or ruts) exceeding two (2") inches in depth. Defects in the road surface such as potholes or ruts must not deviate from grade more than two (2") inches. Please contact the Department of Public Works (DPW) for possible remedy options (acceptance of private way).
8. Manhole covers, catch basins, stones and roots shall be at or below grade.
9. The entire length of a private way must meet the standards outlined in this policy.
10. The DPW may not plow any private way if there is a motor vehicle parked on the way or if any other type of obstruction is present. It is the responsibility of responsible owners or abutters to keep the roadway clear of vehicles to allow safe operation of public works vehicles.
11. The Town will not plow sidewalks on private ways.
12. The DPW will perform yearly inspections of all private roads and post a list of roads on the Town's website and local newspaper by July 31st of each year that do not meet the minimum requirements. The homeowners will be required to make repairs should they wish to be reconsidered. Re-inspection of failed roads will be completed by October 15th, providing ample opportunity for deficiencies to be addressed.
13. The Town of Upton, its employees or sub-contractors shall not be held liable for any damage to private property improvements while performing snow removal operations. Improvements such as, but not limited to, stone walls, fences, irrigation lines, cobblestones, mailboxes, lawns, shrubs or trees adjacent to the way and damaged as a result of snow removal operations will not be repaired or replaced by the Town or its agents.

SNOW & ICE REMOVAL FROM PRIVATE WAYS POLICY

APPROVED BY:

Board of Selectmen, Chair: Robert J. Fleming

Board of Selectmen: Kenneth E. Picard

Board of Selectmen: James A. Brochu

Original date: September 23, 2014

Revised dates: